S.B. Civil Misc. Appeal No.2363/06
United India Insurance Company Limited
Vs.
Smt. Banarasi Devi & Ors.

Date of Judgment : 11/08/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Amarnath Pareek, for appellant

Instant appeal has been filed by the insurer against the impugned award dated 1st April, 2006. Undisputedly, no permission has been sought with regard to questioning the quantum of compensation awarded by the Tribunal, by the appellant provided under the Motor Vehicles Act.

The respondent-claimants are wife, mother and children of deceased Ramjilal who was a Teacher in Government Institution and died in an accident on 18th March, 2003.

Learned Tribunal after taking into consideration the material on record and so also salary certificate furnished, awarded total compensation of Rs.13,93,588/- to the claimants.

Counsel for appellant submits that the offending vehicle was registered as a private vehicle and he was travelling as a passenger. In the absence of any premium charged by the appellant Company, liability of compensation could not have been fastened upon them and also questioned the quantum of compensation awarded by the Tribunal under the impugned award.

I have considered the submission made by the counsel and also perused the impugned award so far with regard to objection raised in respect of liability a specific issue no.3 was framed and after raising objection, the appellant Company failed to produce any evidence in support of their objection and the finding has been recorded against them. Even before this court, no material has been placed on record to justify with regard to objection raised in relation to issue no.3. Consequently, I do not find any error committed by the Tribunal with regard to issue no.3 under the impugned award.

So far as questioning the quantum of compensation is concerned, no permission has been sought by the appellant. I do not find any substance to interfere.

Consequently, the appeal fails and is hereby dismissed.

[Ajay Rastogi],J.

FRBOHRA,JR.P.A.